

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

CENTURY 21 REAL ESTATE LLC,

Plaintiff,

v.

COUNTRY NORTH, INC., f/d/b/a CENTURY  
21 COUNTRY NORTH, INC., and JAN  
MANSFIELD,

Defendants.

Case No. 10 C 7126

**MOTION FOR ENTRY OF RULE 58  
JUDGMENT**

**MOTION ENTRY OF RULE 58 JUDGMENT**

Plaintiff CENTURY 21 REAL ESTATE, LLC, (“Century 21”) by and through its attorneys, GORDON & REES, LLP, requests this Honorable Court enter Fed.R.Civ.P. 58 judgment against Defendants Country North, Inc. f/d/b/a Century 21 Country North, Inc. (“Country North”) and Jan Mansfield (“Mansfield”). In support of the motion, Century 21 states as follows:

1. Century 21 filed its complaint against its former franchisee Country North and Country North’s guarantor, Mansfield alleging various trademark counts (Counts 1 through 4) and breach of contract counts (Counts 5 through 8).
2. On October 5, 2012, this Court granted Century 21’s motion for summary judgment on Counts 5 through 8 after Country North and Mansfield did not contest the motion. (*See Docket # 69*).
3. The order granting summary judgment correctly indicated the case remained open with regard to Counts 1 through 4 (the trademark counts)

as well as a final calculation of damages (as Century 21 was entitled to conduct an audit of defendants' books and records).

4. Century 21, in order to same time and cost, has sought a stipulation to voluntarily dismiss its Counts 1 through 4. (See, Exhibit 1, Attached: 12/14/12 Letter and Proposed Stipulation to Defendants' Counsel of Record; See, Exhibit 2, Attached: 1/9/13 Letter and Proposed Stipulation to Defendants' Counsel of Record.
5. Additionally, in order to save time and cost, Century 21 is willing to forego its audit rights and is willing to accept a money judgment against Country North and Mansfield in the amount of \$134,134.27, jointly and severally. (See Docket # 69; See Affidavit of J. Bertet, Attached to Century 21's Motion for Summary Judgment, and Attached Again as Exhibit 3, hereto, verifying the amounts).

### **CONCLUSION**

WHEREFORE, Plaintiff CENTURY 21 REAL ESTATE, LLC requests this Honorable Court enter Fed.R.Civ.P. 58 judgment in its favor and against defendants COUNTRY NORTH and JAN MANSFIELD, jointly and severally, in the amount of \$134,134.27. CENTURY 21 REAL ESTATE, LLC additionally requests this Court enter an order dismissing Counts 1 through 4 with prejudice and without costs to any party.

Dated: January 9, 2013

Respectfully submitted,

By: /s/ Patrick F. Moran  
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